

AMENDED IN SENATE MAY 8, 2012
AMENDED IN SENATE APRIL 12, 2012
AMENDED IN SENATE MARCH 29, 2012

SENATE BILL

No. 1202

Introduced by Senators Leno and Wyland

February 22, 2012

An act to amend Sections 1905, 1917, 1917.1, 1931, 1936.1, *1941*, and 1944 of, and to add Sections 1902.3, 1917.3, 1926.1, 1926.2, 1926.3, 1926.4, and 1942 to, the Business and Professions Code, relating to dentistry.

LEGISLATIVE COUNSEL'S DIGEST

SB 1202, as amended, Leno. Dental hygienists.

Existing law, the Dental Practice Act, provides for the licensure and regulation of registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in extended functions by the Dental Hygiene Committee of California (committee) within the Dental Board of California. Existing law authorizes the committee to appoint an executive officer to perform duties delegated by the committee.

(1) The committee performs various functions, including, but not limited to, the evaluation of all registered dental hygienist, registered dental hygienist in alternative practice, and registered dental hygienist in extended functions educational programs that apply for approval. Under existing law, any dental hygiene program accredited by and in good standing with the Commission on Dental Accreditation (*commission*) is required to be approved by the committee. *Existing law authorizes the committee to withdraw or revoke a dental hygiene*

educational program approval if the program has been placed on probation by the commission. Existing law also authorizes the committee to employ employees and examiners.

This bill would *eliminate the good standing requirement and would* instead authorize any ~~such~~ dental hygiene program *accredited by the commission* to be approved by the committee. *The bill would authorize the committee to withdraw or revoke program approval if the commission intends to withdraw or has withdrawn approval.* The bill would additionally authorize the committee to employ consultants and would authorize the committee to establish an advisory committee to provide the committee with information about the ~~state~~ clinical examination.

(2) Under existing law, the committee is required to grant a registered dental hygienist license to any person meeting certain requirements, including the completion of a specified educational program, satisfactory performance on various related examinations, and the submission of a completed application and the payment of a fee.

This bill would additionally require an applicant for licensure as a registered dental hygienist to satisfactorily complete committee-approved instruction in gingival soft tissue curettage, nitrous oxide-oxygen analgesia, and local anesthesia. The bill would authorize the committee to issue a special permit to a registered dental hygienist licensed in another state authorizing him or her to teach in a dental hygiene program without being licensed by this state if certain requirements are met, including, *but not limited to*, the completion of educational requirements and the payment of an application fee, subject to a biennial renewal fee.

(3) Existing law authorizes the committee to grant a license as a registered dental hygienist to an applicant who has not taken the specified clinical examination, if the applicant submits certain information to the committee, including, but not limited to, proof that the applicant has been in clinical practice as a registered dental hygienist or has been a full-time faculty member in a specified program for at least 5 years preceding the date of the application and proof that the applicant has not been subject to disciplinary action by another state where he or she was previously licensed as a registered dental hygienist or dental hygienist.

This bill would require that proof of prior experience to have been obtained at least 5 years immediately preceding the applicant's date of application and would expand that proof relating to disciplinary action

to include any other state where the applicant was previously issued any professional or vocational license.

(4) Except as specified, existing law prohibits an agency in the department, including the committee, on the basis of an applicant's failure to successfully complete prior examinations, from imposing any additional limitations or requirements on any applicant who wishes to participate in subsequent examinations.

This bill would prohibit an examinee for a registered dental hygiene license who either fails to pass the ~~state~~ clinical examination after 3 attempts or fails to pass the *clinical* examination because he or she imposed gross trauma on a patient from being eligible for further reexamination until the examinee completes specified remedial education.

(5) The committee is required to grant a registered dental hygienist in alternative practice license to any person meeting certain requirements, including satisfactory performance on a specified examination, the submission of an application, and the payment of application fees. Under existing law, a registered dental hygienist in alternative practice may perform specified functions and procedures in residences of the homebound, schools, residential facilities, and dental health professional shortage areas.

This bill would require a registered dental hygienist in alternative practice to register his or her place or places of practice, within a specified timeframe, with the executive officer. The bill would require a registered dental hygienist in alternative practice to receive permission from the committee, subject to a biennial renewal fee, to have an additional place of practice. The bill would authorize a registered dental hygienist in alternative practice to operate a mobile dental hygiene clinic under certain circumstances if various requirements are met, including the payment of a fee not to exceed \$250, pursuant to regulations adopted by the committee.

(6) Under existing law, if a registered dental hygienist in alternative practice provides dental hygiene services to a patient 18 months after the first date that ~~her~~ *he* or she provided services to the patient, he or she is required to obtain written verification, including a written prescription for dental hygiene services, issued by a dentist or physician and surgeon licensed to practice in this state. Existing law provides that a registered dental hygienist in alternative practice who provides those services in violation of these provisions has engaged in unprofessional conduct and that the committee shall seek an injunction against him or

her. Existing law provides circumstances under which the committee may revoke or suspend a license to practice dental hygiene.

This bill would instead authorize the committee to seek an injunction under those circumstances and specify that a violation by a registered dental hygienist in alternative practice of the requirement to obtain a prescription, as specified above, before providing those services is reason for the committee to revoke or suspend his or her license.

(7) Under existing law, the committee may also, as a condition of license renewal, require licensees to complete a portion of the required continuing education hours in specific areas, and the committee may prescribe this mandatory coursework within the general areas of patient care, health and safety, and law and ethics. Existing law provides that this mandatory coursework shall not exceed 7.5 hours per renewal period. Existing law requires course providers to be approved by the committee and specifies that providers approved by the Dental Board of California shall be deemed approved by the committee.

This bill would provide that the mandatory coursework shall not exceed 10 hours per renewal period and also would specify instead that providers approved by the Dental Board of California may be deemed approved by the committee. The bill would authorize the committee to adopt by regulation a measure of continued competency as a condition of license renewal.

(8) Under existing law, the committee is required to establish by resolution the amount of the fees, subject to respective maximum fee amounts established by existing law, that relate to the licensing of a registered dental hygienist, a registered dental hygienist in alternative practice, and a registered dental hygienist in extended functions subject to certain limitations.

This bill would increase the respective maximum fee amounts within which the committee shall establish fee amounts for an original license and the biennial renewal fee for such a license, and would also increase the maximum fee amount for curriculum review and site evaluation for specified educational programs, as specified. The bill would define the term “extramural dental facility” and also establish a fee for certification of licensure and registration of an extramural dental facility.

(9) *Existing law declares it is the intent of the Legislature that the committee grant or renew approval of only those educational programs for, among others, a registered dental hygienist that continuously maintain a high quality standard of instruction.*

This bill would instead require the committee to grant or renew approval of only those educational programs that meet the standard described above and, where appropriate, meet the minimum standards set by the commission or an equivalent body, as determined by the committee. The bill would require a new educational program for registered dental hygienists, as defined, to also submit a feasibility study demonstrating a need for a new educational program and would require a new educational program to apply to the committee for specified approval prior to seeking initial accreditation from the commission or an equivalent body, as determined by the committee.

(9)

(10) This bill would make various technical, nonsubstantive, and conforming changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1902.3 is added to the Business and
2 Professions Code, to read:
3 1902.3. A registered dental hygienist licensed in another state
4 may teach in a dental hygiene college without being licensed in
5 this state if he or she has a special permit. The committee may
6 issue a special permit to practice dental hygiene in a discipline at
7 a dental hygiene college in this state to any person who submits
8 an application and satisfies all of the following eligibility
9 requirements:
10 (a) Furnishing satisfactory evidence of having a pending contract
11 with a California dental hygiene college approved by the committee
12 as a full-time *or part-time* professor, ~~an~~ associate professor, ~~or an~~
13 assistant professor, *faculty member, or instructor*.
14 (b) Furnishing satisfactory evidence of having graduated from
15 a dental hygiene college approved by the committee.
16 (c) Furnishing satisfactory evidence of having been certified as
17 a diplomate of a specialty committee or, in lieu thereof, establishing
18 his or her qualifications to take a specialty committee examination
19 or furnishing satisfactory evidence of having completed an
20 advanced educational program in a discipline from a dental hygiene
21 college approved by the committee.

1 (d) Furnishing satisfactory evidence of having successfully
2 completed an examination in California law and ethics developed
3 and administered by the committee.

4 (e) Paying an application fee, subject to a biennial renewal fee,
5 as provided by Section 1944.

6 SEC. 2. Section 1905 of the Business and Professions Code is
7 amended to read:

8 1905. (a) The committee shall perform the following functions:

9 (1) Evaluate all registered dental hygienist, registered dental
10 hygienist in alternative practice, and registered dental hygienist in
11 extended functions educational programs that apply for approval
12 and grant or deny approval of those applications in accordance
13 with regulations adopted by the committee. Any such educational
14 programs approved by the dental board on or before June 30, 2009,
15 shall be deemed approved by the committee. Any dental hygiene
16 program accredited ~~and in good standing~~ by the Commission on
17 Dental Accreditation may be approved.

18 (2) Withdraw or revoke its prior approval of a registered dental
19 hygienist, registered dental hygienist in alternative practice, or
20 registered dental hygienist in extended functions educational
21 program in accordance with regulations adopted by the committee.
22 The committee may withdraw or revoke a dental hygiene program
23 approval ~~if the program has been placed on probationary status by~~
24 ~~the Commission on Dental Accreditation~~ *has indicated an intent*
25 *to withdraw approval or has withdrawn approval.*

26 (3) Review and evaluate all registered dental hygienist,
27 registered dental hygienist in alternative practice, and registered
28 dental hygienist in extended functions applications for licensure
29 to ascertain whether the applicant meets the appropriate licensing
30 requirements specified by statute and regulations, maintain
31 application records, cashier application fees, issue and renew
32 licenses, and perform any other tasks that are incidental to the
33 application and licensure processes.

34 (4) Determine the appropriate type of license examination
35 consistent with the provisions of this article, and develop or cause
36 to be developed and administer examinations in accordance with
37 regulations adopted by the committee.

38 (5) Determine the amount of fees assessed under this article,
39 not to exceed the actual cost.

1 (6) Determine and enforce the continuing education
2 requirements specified in Section 1936.1.

3 (7) Deny, suspend, or revoke a license under this article, or
4 otherwise enforce the provisions of this article. Any such
5 proceedings shall be conducted in accordance with Chapter 5
6 (commencing with Section 11500) of Part 1 of Division 3 of Title
7 2 of the Government Code, and the committee shall have all of
8 the powers granted therein.

9 (8) Make recommendations to the dental board regarding dental
10 hygiene scope of practice issues.

11 (9) Adopt, amend, and revoke rules and regulations to implement
12 the provisions of this article, including the amount of required
13 supervision by a registered dental hygienist, a registered dental
14 hygienist in alternative practice, or a registered dental hygienist
15 in extended functions of a registered dental assistant.

16 (b) The committee may employ employees, examiners, and
17 consultants that it deems necessary to carry out its functions and
18 responsibilities under this article.

19 (c) The committee may establish an advisory committee to
20 provide information about the ~~state~~ clinical examination to the
21 committee as requested by the committee.

22 SEC. 3. Section 1917 of the Business and Professions Code is
23 amended to read:

24 1917. The committee shall grant initial licensure as a registered
25 dental hygienist to a person who satisfies all of the following
26 requirements:

27 (a) Completion of an educational program for registered dental
28 hygienists, approved by the committee, accredited by the
29 Commission on Dental Accreditation, and conducted by a
30 degree-granting, postsecondary institution.

31 (b) Satisfactory performance on the state clinical examination,
32 or satisfactory completion of the dental hygiene examination given
33 by the Western Regional Examining Board or any other clinical
34 dental hygiene examination approved by the committee.

35 (c) Satisfactory completion of the National Dental Hygiene
36 Board Examination.

37 (d) Satisfactory completion of the examination in California
38 law and ethics as prescribed by the committee.

39 (e) Submission of a completed application form and all fees
40 required by the committee.

1 (f) Satisfactory completion of committee-approved instruction
2 in gingival soft tissue curettage, nitrous oxide-oxygen analgesia,
3 and local anesthesia.

4 SEC. 4. Section 1917.1 of the Business and Professions Code
5 is amended to read:

6 1917.1. (a) The committee may grant a license as a registered
7 dental hygienist to an applicant who has not taken a clinical
8 examination before the committee, if the applicant submits all of
9 the following to the committee:

10 (1) A completed application form and all fees required by the
11 committee.

12 (2) Proof of a current license as a registered dental hygienist
13 issued by another state that is not revoked, suspended, or otherwise
14 restricted.

15 (3) Proof that the applicant has been in clinical practice as a
16 registered dental hygienist or has been a full-time faculty member
17 in an accredited dental hygiene education program for a minimum
18 of 750 hours per year for at least five years immediately preceding
19 the date of his or her application under this section. The clinical
20 practice requirement shall be deemed met if the applicant provides
21 proof of at least three years of clinical practice and commits to
22 completing the remaining two years of clinical practice by filing
23 with the committee a copy of a pending contract to practice dental
24 hygiene in any of the following facilities:

25 (A) A primary care clinic licensed under subdivision (a) of
26 Section 1204 of the Health and Safety Code.

27 (B) A primary care clinic exempt from licensure pursuant to
28 subdivision (c) of Section 1206 of the Health and Safety Code.

29 (C) A clinic owned or operated by a public hospital or health
30 system.

31 (D) A clinic owned and operated by a hospital that maintains
32 the primary contract with a county government to fill the county's
33 role under Section 17000 of the Welfare and Institutions Code.

34 (4) Satisfactory performance on a California law and ethics
35 examination and any examination that may be required by the
36 committee.

37 (5) Proof that the applicant has not been subject to disciplinary
38 action by any state in which he or she is or has been previously
39 issued any professional or vocational license. If the applicant has
40 been subject to disciplinary action, the committee shall review that

1 action to determine if it warrants refusal to issue a license to the
2 applicant.

3 (6) Proof of graduation from a school of dental hygiene
4 accredited by the Commission on Dental Accreditation.

5 (7) Proof of satisfactory completion of the National Dental
6 Hygiene Board Examination and of a state ~~or~~ *clinical examination*,
7 regional clinical licensure examination, *or any other clinical dental*
8 *hygiene examination approved by the committee*.

9 (8) Proof that the applicant has not failed the state clinical
10 examination, the examination given by the Western Regional
11 Examining Board, or any other clinical dental hygiene examination
12 approved by the committee for licensure to practice dental hygiene
13 under this chapter more than once or once within five years prior
14 to the date of his or her application for a license under this section.

15 (9) Documentation of completion of a minimum of 25 units of
16 continuing education earned in the two years preceding application,
17 including completion of any continuing education requirements
18 imposed by the committee on registered dental hygienists licensed
19 in this state at the time of application.

20 (10) Any other information as specified by the committee to
21 the extent that it is required of applicants for licensure by
22 examination under this article.

23 (b) The committee may periodically request verification of
24 compliance with the requirements of paragraph (3) of subdivision
25 (a), and may revoke the license upon a finding that the employment
26 requirement or any other requirement of paragraph (3) of
27 subdivision (a) has not been met.

28 (c) The committee shall provide in the application packet to
29 each out-of-state dental hygienist pursuant to this section the
30 following information:

31 (1) The location of dental manpower shortage areas in the state.

32 (2) Any not-for-profit clinics, public hospitals, and accredited
33 dental hygiene education programs seeking to contract with
34 licensees for dental hygiene service delivery or training purposes.

35 (d) The committee shall review the impact of this section on
36 the availability of actively practicing registered dental hygienists
37 in California and report to the appropriate policy and fiscal
38 committees of the Legislature by January 1, 2012. The report shall
39 include a separate section providing data specific to registered
40 dental hygienists who intend to fulfill the alternative clinical

1 practice requirements of subdivision (a). The report shall include,
2 but shall not be limited to, the following:

3 (1) The number of applicants from other states who have sought
4 licensure.

5 (2) The number of registered dental hygienists from other states
6 licensed pursuant to this section, the number of licenses not
7 granted, and the reason why the license was not granted.

8 (3) The practice location of registered dental hygienists licensed
9 pursuant to this section. In identifying a registered dental
10 hygienist's location of practice, the committee shall use medical
11 service study areas or other appropriate geographic descriptions
12 for regions of the state.

13 (4) The number of registered dental hygienists licensed pursuant
14 to this section who establish a practice in a rural area or in an area
15 designated as having a shortage of practicing registered dental
16 hygienists or no registered dental hygienists or in a safety net
17 facility identified in paragraph (3) of subdivision (a).

18 (5) The length of time registered dental hygienists licensed
19 pursuant to this section practiced in the reported location.

20 SEC. 5. Section 1917.3 is added to the Business and Professions
21 Code, to read:

22 1917.3. Notwithstanding Section 135, an examinee for a
23 registered dental hygienist license who either fails to pass the state
24 clinical examination required by Section 1917 after three attempts
25 or fails to pass the ~~state~~ clinical examination as a result of a single
26 incidence of imposing gross trauma on a patient shall not be
27 eligible for further reexamination until the examinee has
28 successfully completed remedial education at an approved dental
29 hygiene program or a comparable organization approved by the
30 committee.

31 SEC. 6. Section 1926.1 is added to the Business and Professions
32 Code, to read:

33 1926.1. Notwithstanding any other provision of law, a
34 registered dental hygienist in alternative practice may operate a
35 mobile dental hygiene clinic provided by his or her property and
36 casualty insurer as a temporary substitute site for the practice
37 registered by him or her pursuant to Section 1926.3, if both of the
38 following requirements are met:

39 (a) The licensee's registered place of practice has been rendered
40 and remains unusable due to loss or calamity.

1 (b) The licensee's insurer registers the mobile dental hygiene
2 clinic with the committee in compliance with Section 1926.3.

3 SEC. 7. Section 1926.2 is added to the Business and Professions
4 Code, to read:

5 1926.2. (a) Notwithstanding any other provision of law, a
6 registered dental hygienist in alternative practice may operate one
7 mobile dental hygiene clinic registered as a dental hygiene office
8 or facility. The owner or operator of the mobile dental hygiene
9 clinic or unit shall be registered and operated in accordance with
10 regulations established by the committee, which regulations shall
11 not be designed to prevent or lessen competition in service areas,
12 and shall pay the fees described in Section 1944.

13 (b) A mobile service unit, as defined in subdivision (b) of
14 Section 1765.105 of the Health and Safety Code, and a mobile
15 unit operated by an entity that is exempt from licensure pursuant
16 to subdivision (b), (c), or (h) of Section 1206 of the Health and
17 Safety Code, are exempt from this article and Article 3.5
18 (commencing with Section 1658). Notwithstanding this exemption,
19 the owner or operator of the mobile unit shall notify the committee
20 within 60 days of the date on which dental hygiene services are
21 first delivered in the mobile unit, or the date on which the mobile
22 unit's application pursuant to Section 1765.130 of the Health and
23 Safety Code is approved, whichever is earlier.

24 (c) A licensee practicing in a mobile unit described in
25 subdivision (b) is not subject to subdivision (a) as to that mobile
26 unit.

27 SEC. 8. Section 1926.3 is added to the Business and Professions
28 Code, to read:

29 1926.3. Every person who is now or hereafter licensed as a
30 registered dental hygienist in alternative practice in this state shall
31 register with the executive officer, on forms prescribed by the
32 committee, his or her place of practice, or, if he or she has more
33 than one place of practice pursuant to Section 1926.4, all of the
34 places of practice. If he or she has no place of practice, he or she
35 shall so notify the executive officer. A person licensed by the
36 committee shall register with the executive officer within 30 days
37 after the date of the issuance of his or her license as a registered
38 dental hygienist in alternative practice.

39 SEC. 9. Section 1926.4 is added to the Business and Professions
40 Code, to read:

1 1926.4. When a registered dental hygienist in alternative
2 practice desires to have more than one place of practice, he or she
3 shall, prior to the opening of the additional office, apply to the
4 committee, pay the fee required by Section 1944, and obtain
5 permission in writing from the committee to have the additional
6 place of practice, subject to a biennial renewal fee described in
7 Section 1944.

8 SEC. 10. Section 1931 of the Business and Professions Code
9 is amended to read:

10 1931. (a) (1) A dental hygienist in alternative practice may
11 provide services to a patient without obtaining written verification
12 that the patient has been examined by a dentist or physician and
13 surgeon licensed to practice in this state.

14 (2) If the dental hygienist in alternative practice provides
15 services to a patient 18 months or more after the first date that he
16 or she provides services to a patient, he or she shall obtain written
17 verification that the patient has been examined by a dentist or
18 physician and surgeon licensed to practice in this state. The
19 verification shall include a prescription for dental hygiene services
20 as described in subdivision (b).

21 (b) A registered dental hygienist in alternative practice may
22 provide dental hygiene services for a patient who presents to the
23 registered dental hygienist in alternative practice a written
24 prescription for dental hygiene services issued by a dentist or
25 physician and surgeon licensed to practice in this state. The
26 prescription shall be valid for a time period based on the dentist's
27 or physician and surgeon's professional judgment, but not to exceed
28 two years from the date it was issued.

29 (c) (1) The committee may seek to obtain an injunction against
30 any registered dental hygienist in alternative practice who provides
31 services pursuant to this section, if the committee has reasonable
32 cause to believe that the services are being provided to a patient
33 who has not received a prescription for those services from a dentist
34 or physician and surgeon licensed to practice in this state.

35 (2) Providing services pursuant to this section without obtaining
36 a prescription in accordance with subdivision (b) shall constitute
37 unprofessional conduct on the part of the registered dental hygienist
38 in alternative practice, and reason for the committee to revoke or
39 suspend the license of the registered dental hygienist in alternative
40 practice pursuant to Section 1947.

1 SEC. 11. Section 1936.1 of the Business and Professions Code
2 is amended to read:

3 1936.1. (a) If the committee determines that the public health
4 and safety would be served by requiring all holders of licenses
5 under this article to continue their education after receiving a
6 license, the committee may require, as a condition of license
7 renewal, that licensees submit assurances satisfactory to the
8 committee that they will, during the succeeding two-year period,
9 inform themselves of the developments in the practice of dental
10 hygiene occurring since the original issuance of their licenses by
11 pursuing one or more courses of study satisfactory to the
12 committee, or by other means deemed equivalent by the committee.
13 The committee shall adopt, amend, and revoke regulations
14 providing for the suspension of the licenses at the end of the
15 two-year period until compliance with the assurances provided for
16 in this section is accomplished.

17 (b) The committee may also, as a condition of license renewal,
18 require licensees to successfully complete a portion of the required
19 continuing education hours in specific areas adopted in regulations
20 by the committee. The committee may prescribe this mandatory
21 coursework within the general areas of patient care, health and
22 safety, and law and ethics. The mandatory coursework prescribed
23 by the committee shall not exceed 10 hours per renewal period.
24 Any mandatory coursework required by the committee shall be
25 credited toward the continuing education requirements established
26 by the committee pursuant to subdivision (a).

27 (c) The committee may also adopt by regulation a measure of
28 continued competency as a condition of license renewal.

29 (d) The providers of courses referred to in this section shall be
30 approved by the committee. Providers approved by the board may
31 be deemed approved by the committee.

32 SEC. 12. Section 1941 of the Business and Professions Code
33 is amended to read:

34 1941. ~~It is the intent of this article that the~~ (a) The committee
35 shall grant or renew approval of only those educational programs
36 for a registered dental hygienist, a registered dental hygienist in
37 alternative practice, or a registered dental hygienist in extended
38 functions that continuously maintain a high quality standard of
39 instruction and, where appropriate, meet the minimum standards
40 set by the Commission on Dental Accreditation of the American

1 *Dental Association or an equivalent body, as determined by the*
2 *committee.*

3 *(b) A new educational program for registered dental hygienists*
4 *shall submit a feasibility study demonstrating a need for a new*
5 *educational program and shall apply for approval from the*
6 *committee prior to seeking approval for initial accreditation from*
7 *the Commission on Dental Accreditation of the American Dental*
8 *Association or an equivalent body, as determined by the committee.*
9 *The committee may approve, provisionally approve, or deny*
10 *approval of any such new educational program.*

11 *(c) For purposes of this section, a new educational program*
12 *for registered dental hygienists means a program provided by a*
13 *college or institution of higher education that is accredited by a*
14 *regional accrediting agency recognized by the United States*
15 *Department of Education and that has as its primary purpose*
16 *providing college level courses leading to an associate or higher*
17 *degree, that is either affiliated with or conducted by a dental school*
18 *approved by the dental board, or that is accredited to offer college*
19 *level or college parallel programs by the Commission on Dental*
20 *Accreditation of the American Dental Association or an equivalent*
21 *body, as determined by the committee.*

22 ~~SEC. 12.~~

23 *SEC. 13.* Section 1942 is added to the Business and Professions
24 Code, to read:

25 1942. (a) As used in this article “extramural dental facility”
26 means any clinical facility ~~employed by~~ *that has contracted with*
27 *an approved dental hygiene educational program for instruction*
28 *in dental hygiene which, that exists outside or beyond the walls,*
29 *boundaries, or precincts of the primary campus of the approved*
30 *program, and in which dental hygiene services are rendered.*

31 (b) An approved dental hygiene educational program shall
32 register an extramural dental facility with the committee. That
33 registration shall be accompanied by information supplied by the
34 dental hygiene program pertaining to faculty supervision, scope
35 of treatment to be rendered, name and location of the facility, date
36 on which the operation will commence, discipline of which the
37 instruction is a part, and a brief description of the equipment and
38 facilities available. The foregoing information shall be
39 supplemented by a copy of the agreement between the approved
40 dental hygiene educational program or parent university, and the

1 affiliated institution establishing the contractual relationship. Any
2 change in the information initially provided to the committee shall
3 be communicated to the committee.

4 ~~SEC. 13.~~

5 *SEC. 14.* Section 1944 of the Business and Professions Code
6 is amended to read:

7 1944. (a) The committee shall establish by resolution the
8 amount of the fees that relate to the licensing of a registered dental
9 hygienist, a registered dental hygienist in alternative practice, and
10 a registered dental hygienist in extended functions. The fees
11 established by board resolution in effect on June 30, 2009, as they
12 relate to the licensure of registered dental hygienists, registered
13 dental hygienists in alternative practice, and registered dental
14 hygienists in extended functions, shall remain in effect until
15 modified by the committee. The fees are subject to the following
16 limitations:

17 (1) The application fee for an original license *and the fee for*
18 *issuance of an original license* shall not exceed two hundred fifty
19 dollars (\$250).

20 (2) The fee for examination for licensure as a registered dental
21 hygienist shall not exceed the actual cost of the examination.

22 (3) For third- and fourth-year dental students, the fee for
23 examination for licensure as a registered dental hygienist shall not
24 exceed the actual cost of the examination.

25 (4) The fee for examination for licensure as a registered dental
26 hygienist in extended functions shall not exceed the actual cost of
27 the examination.

28 (5) The fee for examination for licensure as a registered dental
29 hygienist in alternative practice shall not exceed the actual cost of
30 administering the examination.

31 (6) The biennial renewal fee shall not exceed two hundred fifty
32 dollars (\$250).

33 (7) The delinquency fee shall not exceed one-half of the renewal
34 fee. Any delinquent license may be restored only upon payment
35 of all fees, including the delinquency fee, and compliance with all
36 other applicable requirements of this article.

37 (8) The fee for issuance of a duplicate license to replace one
38 that is lost or destroyed, or in the event of a name change, shall
39 not exceed twenty-five dollars (\$25) or one-half of the renewal
40 fee, whichever is greater.

1 (9) The fee for certification of licensure shall not exceed the
2 renewal fee.

3 (10) The fee for each curriculum review and site evaluation for
4 educational programs for dental hygienists who are not accredited
5 by a committee-approved agency shall not exceed two thousand
6 one hundred dollars (\$2,100).

7 (11) The fee for each review of courses required for licensure
8 that are not accredited by a committee-approved agency, the
9 Council for Private Postsecondary and Vocational Education, or
10 the Chancellor's Office of the California Community Colleges
11 shall not exceed three hundred dollars (\$300).

12 (12) The initial application and biennial fee for a provider of
13 continuing education shall not exceed five hundred dollars (\$500).

14 (13) The amount of fees payable in connection with permits
15 issued under Section 1962 is as follows:

16 (A) The initial permit fee is an amount equal to the renewal fee
17 for the applicant's license to practice dental hygiene in effect on
18 the last regular renewal date before the date on which the permit
19 is issued.

20 (B) If the permit will expire less than one year after its issuance,
21 then the initial permit fee is an amount equal to 50 percent of the
22 renewal fee in effect on the last regular renewal date before the
23 date on which the permit is issued.

24 (b) The renewal and delinquency fees shall be fixed by the
25 committee by resolution at not more than the current amount of
26 the renewal fee for a license to practice under this article nor less
27 than five dollars (\$5).

28 (c) Fees fixed by the committee by resolution pursuant to this
29 section shall not be subject to the approval of the Office of
30 Administrative Law.

31 (d) Fees collected pursuant to this section shall be collected by
32 the committee and deposited into the State Dental Hygiene Fund,
33 which is hereby created. All money in this fund shall, upon
34 appropriation by the Legislature in the annual Budget Act, be used
35 to implement the provisions of this article.

36 (e) No fees or charges other than those listed in this section shall
37 be levied by the committee in connection with the licensure of
38 registered dental hygienists, registered dental hygienists in
39 alternative practice, or registered dental hygienists in extended
40 functions.

1 (f) The fee for registration of an extramural dental facility shall
2 not exceed two hundred fifty dollars (\$250).

3 (g) The fee for *registration of* a mobile dental hygiene unit shall
4 not exceed one hundred fifty dollars (\$150).

5 (h) The biennial renewal fee for a mobile dental hygiene unit
6 shall not exceed two hundred fifty dollars (\$250).

7 (i) The fee for an additional office permit shall not exceed two
8 hundred fifty dollars (\$250).

9 (j) The biennial renewal fee for an additional office as described
10 in Section 1926.4 shall not exceed two hundred fifty dollars (\$250).

11 (k) The initial application and biennial special permit fee is an
12 amount equal to the biennial renewal fee specified in paragraph
13 (6) of subdivision (a).

14 (l) The fees in this section shall not exceed an amount sufficient
15 to cover the reasonable regulatory cost of carrying out the
16 provisions of this article.